

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANABEL RUIZ, et al.,)	
)	
Plaintiffs,)	Case No.: 2:10-cv-01312-GMN-LRL
vs.)	
)	
)	ORDER
ALL-AMERICAN AND ASSOCIATES,)	
et al.,)	
)	
Defendants.)	
)	

Pending before the Court is Plaintiffs' Motion for Leave to File a First Amended Complaint (ECF No. 20), which was filed on December 14, 2010. Under Local Rule of Civil Practice 7-2(b) and Federal Rule of Civil Procedure 6, points and authorities in response to this Motion should have been filed by January 3, 2011, at the latest. No responses have been filed. Under Local Rule of Civil Practice 7-2(d), Defendants' failure to respond constitutes consent to the granting of the motion.

That being the case and because the Court finds that the modifications included in the proposed First Amended Complaint relate back to the conduct and occurrences set forth in the initial Complaint, this Court will grant Plaintiffs' Motion (ECF No. 20).

Further, because Donnitta Spallitta--whom the First Amended Complaint adds as a named defendant--filed a Motion to Dismiss (ECF No. 19) two weeks prior to Plaintiffs' Motion for Leave to File a First Amended Complaint and because that Motion to Dismiss appears to be directed toward the initial Complaint and not the First Amended Complaint--which contains modified allegations concerning the Spallittas, Donnitta Spallitta's Motion to Dismiss (ECF No. 19) will be denied without prejudice.

IT IS HEREBY ORDERED that Plaintiffs' Motion for Leave to File a First

1 Amended Complaint (ECF No. 20) is GRANTED. Plaintiffs are directed to serve the
2 First Amended Complaint on the newly added Defendants and to file a Certificate of
3 Service with the Court.

4 **IT IS FURTHER ORDERED** that newly-added Defendant Donnitta Spallitta's
5 Motion to Dismiss (ECF No. 19) is DENIED without prejudice.

6 DATED this 19th day of January, 2011.

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10 Gloria M. Navarro
11 United States District Judge
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